

# MEMORANDUM

May 9, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DENNIS M. GONZALES  
Principal Deputy County Counsel  
Law Enforcement Services Division

RE: Melissa Hunter v. County of Los Angeles  
Pasadena Superior Court Case No. GC034111

DATE OF  
INCIDENT: February 12, 2004

AUTHORITY  
REQUESTED: \$40,000

COUNTY  
DEPARTMENT: Sheriff's Department

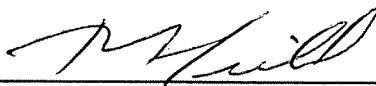
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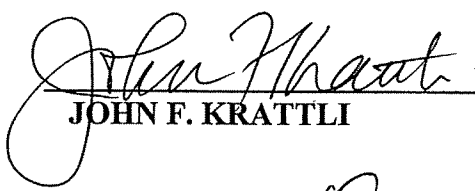
## CLAIMS BOARD ACTION:

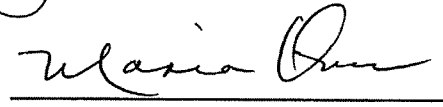
☒ Approve

☐ Disapprove

☐ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on June 5, 2006

## SUMMARY

This is a recommendation to settle for \$40,000 a federal civil rights lawsuit filed by Melissa Hunter who claims she was falsely arrested by Sheriff's Deputies.

## LEGAL PRINCIPLES

A public entity is responsible for the intentional and wrongful acts of its employees when the acts are committed in the course and scope of employment.

A peace officer may also be held liable for the violation of an individual's civil rights if he or she makes an arrest without probable cause. A prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees.

## SUMMARY OF FACTS

On February 12, 2004, Melissa Hunter was driving in the unincorporated area of Altadena when she was stopped by Sheriff's Deputies for having expired registration tags on her car. When the Deputies checked Ms. Hunter's identification, they determined that her driver's license had also expired, and she had no proof of insurance.

As a result of Ms. Hunter's expired registration and license, the Deputies impounded her car. While they were conducting an inventory search of the car, the Deputies noticed a white powder on the back seat. The Deputies believed it was cocaine and arrested her for possession of narcotics. Ms. Hunter was released five days later, after it was determined that the amount of white powder found by the Deputies was so small that the District Attorney would not file charges. In addition, it was later determined that the white powder was not cocaine.

## DAMAGES

Should this matter proceed to trial we estimate the potential damages could be as follows:

Emotional Distress	\$ 100,000
Civil Rights Attorneys' fees	<u>\$ 200,000</u>
Total	<u>\$ 300,000</u>

The proposed settlement calls for the County to pay \$40,000 to Ms. Hunter for all of her claims for damages, costs, and attorneys' fees.

## STATUS OF CASE

The trial court proceedings in this matter have been suspended pending approval of this proposed recommended settlement.

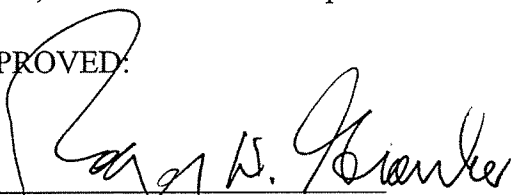
Expenses incurred by the County to date in defense of this matter are attorneys' fees of \$69,270 and \$5,783 in costs.

### EVALUATION

This is a case of contested liability. The Sheriff's Deputies believe that they had probable cause for the arrest, because they thought the white powder in the backseat was cocaine. Ms. Hunter contends that the small amount of white powder found in her car did not amount to probable cause for her arrest. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed recommended settlement.

Therefore, we recommend settlement of the above-entitled matter in the amount of \$40,000. The Sheriff's Department concurs in the settlement.

APPROVED:

A handwritten signature in black ink, appearing to read "Roger H. Granbo", written over a horizontal line.

ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

RHG:lw